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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 001410

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USPACOM FOR FPA

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TAGS: PHUM PREL PGOV BM

SUBJECT: BURMA: PINHEIRO FRUSTRATED, BUT DETERMINED TO  
ADDRESS HUMAN RIGHTS ABUSES

Classified By: COM Carmen Martinez for Reasons 1.5 (B,D)

11. (C) Summary: U.N. human rights envoy Pinheiro has kicked off an ambitious week in Burma during which he hopes to secure; the release of ASSK and all NLD members detained since the May 30 attack; an agreement to conduct an assessment of the attack; the reopening of political party offices; amnesty for all remaining political prisoners; and movement on an assessment mission on the military rapes in Shan State. Pinheiro is frustrated by the "linguistic contortions" of a government that has been uncooperative and by a regime that is responsible for a particularly egregious year of human rights abuses. Nonetheless, the human rights envoy is determined to press ahead. We admire his tenacity, but there are no signs the regime intends to make any concessions in the short term. End Summary.

12. (SBU) UNCHR Human Rights Special Rapporteur Paulo Sergio Pinheiro called on the Chief of Mission on November 3 at the beginning of a week-long mission to Burma. Pinheiro's current visit to Burma is his first since he cut short an investigative mission in March upon discovering an electronic listening device during a "confidential" interview with a political prisoner. Pinheiro was accompanied by two Geneva-based UNCHR Associate Human Rights Officers, Hulan Tsedev and Federila Donati.

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13. (C) Pinheiro said that he had hoped to make a longer visit to Burma in order to collect appropriate information for his next report to the U.N. Commission on Human Rights, due on November 12. Despite the short window of opportunity provided by the regime, the human rights envoy said he had a full schedule that included meetings with Prime Minister General Khin Nyunt, Minister of Home Affairs Col. Tin Hlaing, SPDC Secretary-2 Lt-Gen Thein Sein, and Deputy Foreign Minister U Khin Maung Win. Pinheiro said he would visit political prisoners and had also requested meetings with Aung San Suu Kyi (ASSK) and other members of the NLD Central Executive Committee under house arrest in Rangoon. (Note: Pinheiro will probably not see U Tin Oo, who is imprisoned in remote Sagaing Division, or U Lwin, whom the SPDC allowed to travel to Mandalay on October 31 to see his dying son, who passed away on November 1. End note).

14. (C) Pinheiro said that during his past missions to Burma he had been frustrated by "ritual" meetings with the GOB that lacked any real substance. As a result, for his current visit he had provided the GOB with advance talking points which he hoped would generate a genuine dialogue, if not concessions on the part of the regime. His ambitious goals for the current mission include: the immediate release of all those arrested or deprived of liberty in connection with the May 30 incident; an agreement on his proposal to conduct an assessment of the May 30 attack; the opening and reopening of all political party offices; consideration of the modalities for the amnesty of all remaining political prisoners; an agreement on the modalities and the timing of a Shan State (military rapes) assessment; and for the regime to reaffirm its commitment to establish a National Human Rights Institution according to the Paris Principles.

15. (C) The human rights envoy said he was also extremely frustrated by the regime's inability to offer any compromises or to implement any of his many recommendations. "I can't continue like this," said Pinheiro, adding that he had previously recommended to the regime, without success, the immediate and unconditional release of all political prisoners, a cessation of arbitrary arrests, the lifting of restrictions on the political parties, and various legislative and judicial reforms. He said the regime's description of ASSK's five-month prison detention and house arrest as "protective custody" was simply another example of "linguistic contortions" that underscored the SPDC's inability to adopt international norms with regard to human rights.

16. (C) In response to Pinheiro's inquiry about USG expectations, we said that new sanctions were indicative of U.S. sentiment toward the regime. Although Washington might publicly welcome the release of ASSK and the rest of the NLD

leadership, the U.S. would continue to press hard for the release of all political prisoners and would, absent concrete steps toward a transition to democracy, maintain sanctions. We also shared with Pinheiro and his delegation our views on the current human rights situation, drawing the U.N. team's attention to forced participation in USDA mass rallies to support the regime's "roadmap to democracy;" pressure on civil servants and citizens to join newly created people's militia; and the arrest and detention of NLD supporters who provided logistical support for ASSK's 2002-2003 upcountry travels. We provided Pinheiro with a sanitized report of the May 30 attack and photographs of the attack site and injuries sustained by eye-witnesses.

17. (C) Comment: Pinheiro, though frustrated, expressed determination to fulfill his mandate and undertake all possible measures to improve Burma's deplorable human rights situation. He admitted that it has been a "very bad year" for human rights abuses and he was visibly moved when he described his encounters with victims and eye-witnesses to the May 30 premeditated assault on ASSK and her convoy. We are supportive of his creative approach in giving the GOB something to chew on before he meets with senior officials this week. However, we do not expect the regime to be very forthcoming on any of his fundamental objectives. End comment.  
Martinez